

LFC Requester:**Theresa Rogers****AGENCY BILL ANALYSIS
2016 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:****LFC@NMLEGIS.GOV***and***DFA@STATE.NM.US***{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}**Check all that apply:***Original** ☐ **Amendment** ☒**Correction** ☐ **Substitute** ☐**Date** 2/4/2016**Bill No:** HB 95a**Sponsor:** Reps. Gentry & P. Pacheco**Agency Code:** 305**Short** Hate Crimes Against Law**Person Writing** Joshua R. Granata**Title:** Enforcement**Phone:** 827-6088**Email** jgranata@nmag.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

N/A

SECTION III: NARRATIVE**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

House Bill 95 is an act which amends the Hate Crimes Act, NMSA 1978, Sections 31-18B-1 to -3. The proposed act modifies the class of victims which justify enhanced sentences for crimes motivated by hate. The proposed act changes the term "handicapped status" to "disability" and adds a new class of victims—law enforcement officers.

The proposed amendment to HB 95 adds "first responders" as a new class of victims in addition to law enforcement officers.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

The term "first responders" is not defined in the definitions section of the proposed act. Additionally, the term is not defined in NMSA 1978, Chapter 31. It may provide clarity to add a definition for the term to the Hate Crimes Act. All of the issues noted in the Office of the Attorney General's analysis of HB 95 remain issues if the proposed bill passes with the proposed amendment. In order for the law to be reasonable and not arbitrary, it may be helpful to cite findings of facts to indicate why it is necessary to include law enforcement officers and first responders among the current class of victims who need heightened protections.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

None